

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 14, 1999

DIVISION ONE

B128141 Adriana D., a Minor, etc., et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to commence the adjudication hearing on the previously-set date of January 27, 1999, and conduct trial every court day, all day, without further continuances except for good cause, until trial is concluded and the matter is fully adjudicated, in Los Angeles Superior Court case No. CK23887, entitled In the Matter of Adriana D. et al.

In all other respects, the petition is denied. All parties shall bear their own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J.

DIVISION TWO

B121243 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Christina R.

The orders appealed from are affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

January 14, 1999-Continued

DIVISION TWO (Continued)

B117993 People
v.
Brown

(Not for Publication)

The judgment is affirmed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

[illegible]

The judgment is modified to reflect a sentence of one year, not two years for the enhancement pursuant to section 12022, subdivision (b) (1) as to count 1, with any enhancement imposed pursuant to counts 2 and 3 to be stayed pursuant to section 654. The judgment is further modified to provide for total custody credits of 720 days (480 actual plus 240 worktime) and to assess an additional restitution fine of \$200 pursuant to section 1202.4, subdivision (b), to be suspended unless defendant's parole is revoked. The abstract of judgment is ordered amended to reflect these modifications. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B119981 O'Connor (Not for Publication)
 v.
 Nielsen

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

B100263 Bunnett (Not for Publication)
 v.
 Oh, et al.

The order granting a new trial is affirmed. Costs to respondents. The cross-appeal is dismissed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

B111675 People (Not for Publication)
 v.
 Williams

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B108626 People (Not for Publication)
v.
Sheppard

The abstract of judgment is modified to reflect that the life sentences imposed were consecutive to each other. In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B109706 Gerard J. Schilling (Not for Publication)
v.
Rose Schilling

The judgment and postjudgment order are affirmed. With respect to Rose's request for attorney fees on appeal, the issue of the amount of attorney fees Gerard is to pay Rose for responding to this appeal is remanded to the trial court for its determination. Rose to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B112263 International Longshoremen's &
Warehousemen's Union, et al. (Certified for Publication)
v.
Los Angeles Export Terminal, Inc.

The judgment and postjudgment order are affirmed. ILWU shall recover costs and reasonable attorney fees on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J., and V. Guzman, Deputy Clerk.

B125237 RJ Land and Associates Construction Company
v.
Kiewit-Shea

Merits:

Argued by Rodney Moss for appellant and by Kenneth W. Curtis for respondent. Cause submitted.

B113134 Mid-Wilshire Associates
v.
Los Angeles County Metropolitan Transportation Authority

Merits:

Argued by Dean E. Dennis for appellant and by Peter C. Sheridan for respondent. Cause submitted.

B097529 Notrica
v.
State Compensation Insurance Fund

Merits:

Argued by Christina J. Imre for appellant and by Sheldon Eisenberg for respondent. Cause submitted.

B117310 Billinger, et al.
v.
Department of Health Services, et al.

Merits:

Argued by Lynn S. Carman for appellants and by John Venegas, deputy attorney general for respondent Department of Health Services and Robert C. Leventhal for respondent Foundation Health. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J., and V. Guzman, Deputy Clerk.

B123073 Scoby
 v.
 Amwest Surety Insurance Company, et al.

Merits:
Argued by David G. Jones for appellant and by Paul F. Schimley for respondents. Cause submitted.

B116097 People
 v.
 Cabrera and Hernandez

Merits:
Argued by Maxine Weksler for appellant Cabrera and by Stephanie A. Miyoshi, deputy attorney general for respondent. Counsel for appellant Hernandez waives oral argument. Cause submitted.

B121026 Vechery
 v.
 Kou, et al.

Merits:
Argued by Arthur N. Greenberg for appellant and by David L. Prince for respondents. Cause submitted.

B118042 Westamco Investment Company, et al.
 v.
 Lee, et al.

Merits:
Argued by Michael D. Hirsch for respondents. Appellants waive oral argument. Cause submitted.

DIVISION FOUR (Continued)

B116840 Matlock, et al.
 v.
 Reich

Merits:

Argued by Laurence A. Reich in propria persona and by Patrick E. Stockalper for respondents. Cause submitted.

B119276 City of Vernon
 v.
 Central Basin Municipal Water District, et al.

Merits:

Argued by Glenn R. Watson for appellant and by W. Keith Lemieux for respondent Central Basin Municipal Water District and Henry S. Weinstock for respondent Peerless Water Co. Cause submitted.

The Court recesses.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

Each of the following:

B119748 People v. Milton
B113678 People v. Buffin
B118734 People v. Mendivil
B126029 Liliana M. v. Superior Court (D.C.F.S., rpi)
B124338 D.C.F.S. v. Daniel M.
B121695 D.C.F.S. v. Beatriz E.

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B115296 Lydia Cook et al. (Not for Publication)
v.
City of Pomona

The judgment is affirmed. Plaintiffs are to pay the City's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B126990 In Re Daniel K., et al (Not for Publication)
Desirre U.
v.
Superior Court, Los Angeles County
Los Angeles County Department of Children and Family
Services

The petition is denied.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B118892 People (Not for Publication)
v.
Cuong Le, Jr.

The judgment is modified to reflect presentence credit of 182 days, consisting of 122 actual days and 60 days conduct credit. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Burke, J. (Assigned), and G. Bents, Deputy Clerk.

B123899 William Z. v. Kelly A., et al.

Argument waived, cause submitted.

B122522 Bergne
v.
Windom

Appearances:

No appearance by appellant. Noel Klebaum, Assistant County Counsel, for respondent. Argument waived, cause submitted.

B123410 Old Style Enterprises
v.
B & D Restaurant Group

Merits:

Argued by Malcolm Tator for appellant and by Esther R. Sorkin for respondent. Cause submitted.

B122527 Mowry
v.
RPM Cycles

Merits:

Argued by Steven A. Simons for appellant and by Neil C. Newson for respondent. Cause submitted.

DIVISION SIX (Continued)

B123148 Tsai
 v.
 Samarrai

Merits:

Argued by Shun C. Chen for appellant and by Gisele Goetz for respondent.
Cause submitted.

Coffee, J. left the bench.

B124025 Marian
 v.
 State Farm Mutual Automobile Ins.

Merits:

Argued by Teodor Marian, appellant in propria persona, and by Colleen Sterne for respondent. Cause submitted.

Court recessed at 10:10 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., Burke, J. (Assigned), and G. Bents, Deputy Clerk.

Each of the following:

B118203 People v. Sommers
B118476 People v. Macias
B119259 People v. Corpus
B119655 People v. John V.
B119806 People v. Castaneda
B121459 People v. Burham
B121611 People v. Griego
B122429 People v. Benavidez
B123092 People v. Torres
B123242 People v. Tomlinson
B123735 People v. Martinez
B124136 People v. Williams

Argument waived, cause submitted.

DIVISION SIX (Continued)

B124958 In Re Frederick D. Ramey
 on
 Habeas Corpus

Order to Show Cause:

Presented by Richard Lennon for petitioner and by Herbert S. Tetef, Deputy Attorney General, for respondent via video conference. Cause submitted.

B118432 People
 v.
 Velasquez

Merits:

Argued by Douglas G. Benedon for appellant and by Susan C. Diamond, Deputy Attorney General, for respondent via video conference. Cause submitted.

B118719 People
 v.
 Fond

Merits:

Argued by Gilbert W. Lentz for appellant and by Deborah J. Chuang, Deputy Attorney General, for respondent via video conference. Cause submitted.

B122449 People
 v.
 Hernandez

Merits:

Argued by Susan S. Bauguess for appellant and by Ruth L. Wei, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, Acting P.J. left the bench.

DIVISION SIX (Continued)

B119804 People
v.
Garcia

Merits:

Argued by Laini M. Melnick for appellant and by Noah P. Hill, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 3:10 P.M.

DIVISION SEVEN

B116498 People v. Thomas (Not for Publication)

The convictions are affirmed and the cause is remanded for resentencing in accordance with the views expressed in this opinion.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B110986 People v. Qualls (Not for Publication)

The judgment is modified to impose a \$200 parole revocation restitution fine, which is suspended until such time as appellant is recommitted to state prison in this case upon revocation of parole. As modified the judgment is affirmed. The superior court shall cause its clerk to send an amended abstract of judgment to the California Department of Corrections.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B114107 De Rogatis

v.

Disney Magazine Publishing

Filed order denying petition for rehearing.

B119875 Ruschell

v.

Community Medical Group

Filed order denying petition for rehearing.